UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,306	10/17/2001	Eric Horvitz	MS177848.1	7998

27195	7590	04/19/2005	

EXAMINER
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ART UNIT	PAPER NUMBER
2182	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _25 September 2003_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
      closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-54_ is/are pending in the application.
      4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-17 and 19-54_ is/are rejected.
7) ☒ Claim(s) _18_ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _17 October 2001_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
      Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
      Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All   b) ☐ Some *   c) ☐ None of:
       1. ☐ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____.
       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _9/25/03, 5/28/03_.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: _IDS-10/15/02, 2/13/02_.

DETAILED ACTION

1.   This application is a Continuation-in-part (CIP) of application no. 09/809,142 filed

March 15, 2001.

2.   Claims 24 and 47 construe to be independent claims. Therefore, charge deposit

account number 50-1063 an amount of $400.00 for 2 extra independent claims;

according to 37 CFR 1.16h, fee code 1201.

Information Disclosure Statement

3.   The information disclosure statement filed February 13, 2002 and May 28, 2003

fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited

foreign patent document; each non-patent literature publication or that portion which

caused it to be listed; and all other information or that portion which caused it to be

listed. It has been placed in the application file, but the information referred to therein

has not been considered.

The above dated non-patent literature documents have not been provided. The

examiner has drawn lines for the non-patent literature documents with pencil.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-17 and 19-54 are rejected under 35 U.S.C. 102(b) as being anticipated

by Harkins et al. U.S. Pat. No. 5,513,126.

5.   As to claim 1, Harkins et al. teach system, comprising:

a first component associated with a request for attentional resources of a

contactee (abstract; fig. 1); and

a second component that facilitates a response to the request based in part on

the utility of the request to the contactee (abstract; fig. 1).

6.   As to claim 2, Harkins et al. teach system, the first component is a contactor data

store that includes preferences of a contactor (i.e. receiver) relating to the request

(abstract), the second component is a contactee data store that includes preferences of

the contactee (i.e. sender) relating to at least one of the request and the response

(abstract).

7.   As to claim 3, Harkins et al. teach system, further comprising a contact manager

(i.e. network admin) to facilitate communications between the contactor and the

contactee based in part on the preferences of the parties, the request and the response

(item 18, fig. 1).

8.   As to claim 4, Harkins et al. teach system, the request includes at least one of

the contactor's capabilities, goals, tasks, schedules, priorities, deadlines, costs, and

benefits in order to maximize the utility to the contactee (i.e. storage capabilities; col. 6,

lines 23-48).

9.   As to claim 5, Harkins et al. teach system, the response including at least one of

the capabilities of the contactee, the contactee's preferences relating to the contactor's

preferences and how the contactee prefers to be contacted, the preferences of being

contacted varying in respect to the contactor over at least one of time and topics of

communication (e.g. "printer down" message; col. 7, lines 20-40).

10.   As to claim 5, Harkins et al. teach system, the contactee restricts

communications of a selected group of contactor's over time via at least one of actions

by the contactee and by modifying the preferences in the contactee preferences data

store (i.e. user builds distribution lists; col. 7, lines 41-63).

11.   As to claim 7, Harkins et al. teach system, the contactor optimizes at least one of

a measure of priority and a measure of value of facilities communications between the

parties (e.g. send service; col. 7, lines 41-63).

12.   As to claim 8, Harkins et al. teach system, the contact manager optimizes at least

one of a measure of priority and a measure of value to facilitate communications

between the parties (col. 7, lines 1-19).

13.   As to claim 9, Harkins et al. teach system, the preferences of at least one of the

contactor and the contactee including at least one of a time of day for communicating, a

time of week for communicating, identity of the contactor that includes the identity of

unknown contactors, hardware currently available, hardware available within a time

horizon of a communication attempt, software available, and interruptability information

(e.g. storage capablility; col. 6, lines 23-48).

14.   As to claim 10, Harkins et al. teach system, the contactee data store including

dynamically changing communication information relating to needs of the contactee (i.e.

editable documents; col. 6, lines 49-67).

15.   As to claim 11, Harkins et al. teach system, the contact manager facilitates

communications between at least one of multiple parties and multiple communications

channels (col. 7, lines 1-19).

16.   As to claim 12, Harkins et al. teach system, the contact manager enabling a

dialog session between the contactor and the contactee to facilitate communications

between the parties (col. 7, lines 1-19).

17.   As to claim 13, Harkins et al. teach system, the contact manager informs the

contactee of the contactor's attempt to communicate, the contactee is provided with an

opportunity to override current preferences in the contactee data store (col. 7, lines 1-

19, 41-63).

18.   As to claim 14, Harkins et al. teach system, the contactee is presented a list of

options for being contacted via the contact manager (i.e. service displayed in the

service bar and the use of receiver settable information filters; col. 7, lines 41-63).

19.   As to claim 15, Harkins et al. teach system, the contactor is presented with a list

of communications options with high utilities determined in accordance with the

preferences of the contactee via the contact manager (i.e. high level services; col. 6,

lines 49-67; col. 7, lines 1-63).

20.   As to claim 16, Harkins et al. teach system, the contact manager is operably

associated with at least one of an e-mail, a video transmission, a television

transmission, a telephone, a mobile communications device, an instant message and a

computing device (see fig. 1).

21.   As to claim 17, Harkins et al. teach system, the contact manager including at

least one of a set of rules, a set policies, and decision-theoretic formulae to facilitate

communications between the parties (inherent; fig. 1; col. 7, lines 1-19).

22.   As to claim 19, Harkins et al. teach method, comprising:

       communcating a first set of preferences to send information (abstract; fig. 1);

       communicating a second set of preferences to receive the information (abstract;

fig. 1); and

       enabling communications between two or more parties based at least in part on

the preferences (see fig. 1).

23.   As to claim 24, Harkins et al. teach computer-readable medium having computer-

executable instructions for performing:

       communcating a first set of preferences to send information (abstract; fig. 1);

       communicating a second set of preferences to receive the information (abstract;

fig. 1); and

       enabling communications between two or more parties based at least in part on

the preferences (see fig. 1).

24.   As to claim 25, Harkins et al. teach system, comprising:

       means for specifying preferences to send and receive communications (abstract;

fig. 1);

means for transmitting one or more selection options requesting the attention of

at least one party via the communications (abstract; fig. 1); and

means for enabling further communications between parties based at least in

part on the preferences and the selected option (abstract; fig. 1).

25.   As to claim 26, Harkins et al. teach comprising:

a data packet comprising:

a first data field representing a request for attentional resources of a contactee

(inherent; abstract; fig. 1); and

a second data field representing a response to the request, the response relating

to the willingness of the contactee to engage in communications based upon the utility

of the request to the contactee (inherent; abstract; fig. 1).

26.   As to claim 27, Harkins et al. teach computer-readable medium, comprising:

a first field representing a contactor's preferences associated with a request for

the attention of a contactee (inherent; abstract; fig. 1, 2, 4 and 5); and

a second field representing the contacteee's preferences associated with

responding to the request, the contactee's preferences communicating the contactee's

desire for further communications based on the value of the request (inherent; abstract;

fig. 1,2,4 and 5).

27.   As to claim 28, Harkins et al. teach system, comprising:

a contact manager to transmit an offer to communicate from an unknown

contactor to a contactee (abstract; fig. 1); and

a preference component associated with the contactee to enable an acceptance

of the offer based in part upon consideration presented in the offer (inherent; abstract;

fig. 1, 2, 4 and 5).

28.   As to claim 42, Harkins et al. teach method, comprising:

transmitting an offer having at least one incentive to induce communications

between parties (abstract; fig. 1);

analyzing preference data associated with at least one of the parties (inherent;

fig. 1); and

establishing communications between the parties based at least in part on the

preference data, the at least one incentive, and actions between the parties (inherent;

abstract; fig. 1).

29.   As to claim 47, Harkins et al. teach computer-readable medium, comprising:

transmitting an offer having at least one incentive to induce communications

between parties (abstract; fig. 1);

analyzing preference data associated with at least one of the parties (inherent;

fig. 1); and

establishing communications between the parties based at least in part on the

preference data, the at least one incentive, and actions between the parties (inherent;

abstract; fig. 1).

30.   As to claim 48, Harkins et al. teach system, comprising:

means for transmitting an offer to induce communications between parties

(abstract);

means for analyzing preference data associated with at least one of the parties

(inherent; abstract; fig. 1);

means for establishing communications between the parties based at least in

part on the preference data and actions between the parties (abstract; fig. 1); and

means for negotiating the offer (inherent; abstract; fig. 1).

31.   As to claim 49, Harkins et al. teach method, comprising:

executing one or more contingency-based policies that guide payment and

reimbursement to handle uncertainty in at least one of an identity of a contactee and

content relating to communications with the contactee (abstract; fig. 1); and

forcing contactors to provide consideration to the contactee to access one or

more modalities for communicating with the contactee (inherent; abstract; fig. 1).

32.　　Claims 20-23 are method claims of apparatus claims 2,13,3, and 12. Harkins et al. teach system as set forth in claims 2,13, 3 and 12. Therefore, Harkins et al. also teach method as set forth in claims 20-23.

33.　　Claims 29-41 are similar to claims 2-4, 12-14 and 16. Harkins et al. teach system as set forth in claims 2-4, 12-14 and 16. Therefore, Harkins et al. also teach system as set forth in claims 29-41.

34.　　Claims 43-46 are method claims of apparatus claims 2-4 and 6. Harkins et al. teach system as set forth in claims 2-4 and 6. Therefore, Harkins et al. teach method as set forth in claims 43-46.

35.　　Claims 50-54 are method claims of apparatus claims 2,4,6 and 10. Harkins et al. teach system as set forth in claims 2,4,6 and 10. Therefore, Harkins et al. also teach method as set forth in claims 50-54.
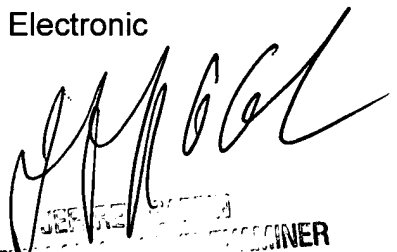
Allowable Subject Matter

36.　　Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

37.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mohammad O. Farooq whose telephone number is

(571) 272-4144. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A. Gaffin can be reached on (571) 272-4146. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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Mohammad O. Farooq
April 12, 2005